

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Vicki Baker,

Plaintiff,

:

Case No. 3:10-cv-327

-vs-

:

Magistrate Judge Michael R. Merz

People's Choice Home Loan Inc., et al.,

Defendants.

:

ORDER TO PRO SE PLAINTIFF UPON FILING OF MOTION TO DISMISS OR
MOTION FOR SUMMARY JUDGMENT

You are hereby notified that Defendant, DLJ Mortgage Capital Inc., has filed with the Court on September 9, 2010, a motion to dismiss in this case [Doc # 14]. You should receive a copy of the motion directly from the Defendant.

Under the rules of this Court (S.D. Ohio L.R. 7.2) you are allowed twenty-one days from the date of service (September 9, 2010) within which to file a response to this motion, plus an extra three days because of the way the motion was sent to you. Your response must be filed with the Court not later than October 4, 2010.

Under Fed. R. Civ. Proc. 56, a party faced with a motion for summary judgment or a motion to dismiss cannot rely merely on the claims he or she has made in the Complaint, but must respond with evidence which shows that there is a genuine issue of material fact for trial in the case. The evidence must be of the same quality as would be admissible at trial in the case.

September 9, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge